HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT APPEAL No. 71 OF 2007

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Between:

M/s. Saint Gobain Vetrotex (I) Limited,

.... Appellant

AND

Central Power Distribution Company of
A.P. Limited, Mahabubnagar & others

.....Respondents

:: J U D G M E N T ::

Counsel for the appellant : Shri Vilas V. Afzulpurkar,
Senior Advocate,
assisted by
Shri C.R.
Sridharan,Advocate

Dated: 25.01.2007

Per G.S.SINGHVI, CJ

This appeal is directed against order dated 05.01.2007 passed by the learned Single Judge in W.P.M.P.No.619 of 2007 in Writ Petition No.500 of 2007, whereby he stayed the demand created by respondent No.2 – Andhra Pradesh Central Power Distribution Company Ltd. vide notice dated 29.11.2006 subject to the condition of deposit of Rs.1.25 Crores by the appellant within a period of four weeks.

A perusal of the order under challenge shows that the conditional stay passed by the learned Single Judge is purely tentative and is subject to further orders. This is evinced from the fact that the WPMP was ordered to be listed on 17.01.2007. In reply to the Court's query, Shri Vilas V. Afzulpurkar, learned Senior Counsel appearing for the appellant gave out that the matter was listed before the learned Single Judge on 17.01.2007, but was not taken up for hearing.

In view of the above, the appeal is disposed of with liberty to the appellant to file an application for listing of W.P.M.P.No.619 of 2007 for final orders, with a further direction to the Registry that as and when such an application is filed, the matter shall be immediately posted before the learned Single Judge. We also give liberty to the appellant to invite attention of the Hon'ble Single Judge to the orders passed by the coordinate Benches in similar matters.

As a sequel to disposal of the writ appeal,

W.A.M.P.No.115 of 2007 filed by the appellant for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

25.01.2007

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